



OSSE Special Education Mediation Process

In accordance with the Individuals with Disabilities Education Act (IDEA), the Office of the State Superintendent for Education (OSSE) has established a system for mediation. The system will afford parents and public education agencies responsible for providing services to children with disabilities the opportunity to resolve special education disputes through a mediation process.

Authority

The mediation system is subject to the authority of 34 CFR §300.506, which requires OSSE to:

- Ensure that procedures are established and implemented that allow all parties to disputes that involve any matter under the IDEA, including matters arising **prior** to the filing of a due process complaint, to resolve their disputes through a mediation process; and
- Provide an opportunity for a parent who has filed a State administrative complaint and the public agency to voluntarily engage in mediation.

Requirements for Mediation

In order for a mediation to be held the following criteria must be met:

- Mediation must be voluntary on the part of the parties;
- Mediation may not be used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under the IDEA; and
- Mediation must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Mediation Process

After a request for mediation is made, OSSE will appoint an independent mediator to facilitate the mediation session. The mediator is not an employee of OSSE and will not have a personal or professional interest in the case that would affect his/her objectivity. All mediators are knowledgeable in laws and regulations related to special education and related services. The mediator will contact the parties to schedule the mediation session at a time that is convenient to both parties. If an agreement is reached, the written, signed mediation agreement is enforceable in any State court or in a district court of the United States. Discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing.

Requesting Mediation

To initiate the mediation process, complete the Mediation Request Form and submit it to:

Student Hearing Office
810 First Street, NE – 2nd Floor
Room 2001
Washington, DC 20002
Email: Hearing.Office@dc.gov
Fax: (202) 478-2956
Call Direct: (202) 481-3460